

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6759**

**BILL NUMBER:** HB 1416

**DATE PREPARED:** Mar 28, 2001

**BILL AMENDED:** Mar 27, 2001

**SUBJECT:** Child Nonsupport.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** (Amended) This bill specifies that the enhancement of the crime of nonsupport of a child from a Class D felony to a Class C felony applies when the offender owes child support of less than \$15,000 for any one child, but in the aggregate owes at least \$15,000 in unpaid child support for all children that the offender is obligated to support. It authorizes a contempt of court proceeding to enforce payment of a child support arrearage that is commenced not later than 10 years after the earlier of the child's eighteenth birthday or the date the child is emancipated.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** (Revised) As amended, this bill would apply to child support actions brought either under the statute that applies to divorce or abandonment or through the establishment of paternity.

This bill may result in a greater likelihood of enhancement from a Class D felony to a Class C felony in certain cases involving a failure to pay child support and provides for a contempt of court proceeding to enforce payment of a child support arrearage that is commenced after the earlier of the child's eighteenth birthday or the date the child is emancipated. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

**Explanation of State Revenues:** No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D or C felonies.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** No additional revenues would be expected since the court fees for Class D and Class C are both \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.